

REMARKS

In reply to the Office Action dated December 30, 2004, claims 16, 18, 24, 50-52, and 56 are currently under examination in the Application. By the above amendment, claims 50 and 56 have been amended solely to remove recitation of non-elected subject matter. The above amendment is not to be construed as acquiescence to the stated grounds for objection/rejection and is made without prejudice to prosecution of any subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application.

The Action alleges that Applicants' response filed September 28, 2004 was non-compliant in that each claim was not provided with the proper status identifier. In particular, the Action contends that claims 50 and 56 should be identified as "withdrawn".

Applicants respectfully traverse this objection and submit that their Response to Restriction Requirement filed September 28, 2004, was fully responsive and compliant. Applicants elected with traverse and specifically and respectfully requested consideration of their arguments for traverse prior to amending the claims to remove reference to non-elected subject matter. As such, claims 50 and 56 were correctly identified as "Previously Presented". Additionally, Applicants respectfully note that, since no amendments were being made to the claims, Applicants' reply to the Restriction Requirement would have been compliant had no listing of claims been included at all. A complete listing of the pending claims was included for the convenience of the Office. Furthermore, claims 50 and 56, which the Action contends should be identified as "withdrawn", contain elected subject matter (a method which uses a non-specific immune response enhancer) in addition to recitation of non-elected subject matter (wherein the non-specific immune response enhancer preferentially enhances a CD8+ T cell response). Accordingly, Applicants submit that identifying claims 50 and 56 as "withdrawn" would not accurately reflect their status. Moreover, Applicants submit that According to the M.P.E.P § 1.142(b) "Claims to the invention or inventions not elected, if not canceled, are nevertheless withdrawn from further consideration by the examiner..." (emphasis added).

Notwithstanding the above remarks, solely to expedite prosecution, Applicants hereby amend claims 50 and 56 to remove recitation of non-elected subject matter. This

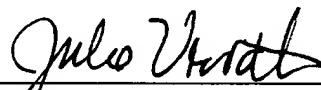
amendment is not to be construed as acquiescence to the stated grounds for objection/rejection and is made without prejudice to prosecution of any subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all the claims remaining in the application are now believed allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Julie A. Urvater, Ph.D., Patent Agent
Registration No. 50,461

JAU:tt

Enclosure:
Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

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